

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAWN M. SHELLY,)
Plaintiff,)
vs.) Case No. 4:09CV1365 CDP
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

MEMORANDUM AND ORDER

On April 7, 2010, plaintiff Dawn Shelly moved for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, seeking fees in the amount of \$5402.59. Defendant responded to that motion stating that the parties agreed to fees in the amount of \$4536.79. Defendant also had no objection to these fees being paid directly to plaintiff's counsel, John D. Schneider. Plaintiff has now responded with a new motion for attorney's fees in the amount of \$4536.79.

On March 8, 2010, I remanded this case to defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security benefits may recover attorney's fees if she receives a sentence-four remand. *See Shalala v. Schaefer*, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise

precluded from recovering attorney's fees, I find she is entitled to an award in the agreed amount of \$4536.79. Additionally, I determine that these fees may be made payable directly to plaintiff's counsel, John D. Schneider. *See Ratliff v. Astrue*, 540 F.3d 800, 802 (8th Cir. 2008), *cert. granted* 130 S. Ct. 48 (2009).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's second motion for attorney's fees [#26] is granted.

IT IS FURTHER ORDERED that defendant pay plaintiff attorney's fees in the amount of \$4536.79 to counsel John D. Schneider, 705 Olive Street Suite 815, St. Louis, Missouri 63101.

IT IS FURTHER ORDERED that plaintiff's second motion for attorney's fees [#23] is denied as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of April, 2010.